

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

R.A. No. 345/2000

(In OA No. 1012/97)

(21)

1. Instructors Welfare Parisad, Department of Social Welfare, NCT of Delhi B-10, Nirmal Chaya Compus Camp Jail Road, Delhi through Member Mrs. Gayatri Verma W/o Sh. P.S.Verma, r/o Al & C MIG Flats, Metal Forging, Mayapuri, New Delhi.
2. R.K.Verma s/o Sh. Late Surjeet Ram r/o B-1 C/53-B, Janakpuri, New Delhi-58
3. Padam Singh s/o Late Sh. Kundan Lal, R/o WZ-405, B Janak Park, Hari Nagar, New Delhi.

- Applicants

Versus :

1. Union of India through its Secretary, Ministry of Home Affairs, Govt. of India, New Delhi.
2. The NCT of Delhi through its Chief Secretary, old Secretariate, Delhi.
3. The Director, Dept. of Social Welfare, Govt of NCT, New Delhi.

- Respondents.

O R D E R

(Passed on this the 11th day of October, 2000)

This Application has been filed for Review of the order dated 2.6.2000 passed by the Tribunal in O.A.1012/97 on the following grounds as reproduced below.

- 1.1 Because, the Hon'ble Tribunal committed an error of observing that "It is admitted fact that the 5th Pay

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commission considered the case of the applicants but did not accept their demand". It is relevant to submit there that fifth Pay Commission not considered the case of the applicants at all the respondents i.e. the Ministry of Home Affairs also not considered the case of the applicants at any time despite of facts that the applicants made number of representation to all the concerned authorities.

1.2 Because, the Hon'ble Tribunal not considered the facts that the Fifth Pay Commission only recommended one pay scale i.e. Rs.1400-2600 for the Instructors of Social Welfare department and not recommended any pay scale of Rs.1200-2040. It is submitted that the Fifth Pay Commission only recommended the upgradation of 14 post of Craft Instructors out of 36 posts to the pay scale of Rs.1640-2900 but the respondents not accepted the recommendation of the Pay Commission without any reasons. And the relevant part of the Fifth Pay Commission recommendation is as under :-

"Fourteen of the existing 35 posts of Craft Instructors may be upgraded as Sr. Craft Instructors in pay scale of Rs.1600-2900. The post of Sr. Craft Instructor will be filled

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by promotion of Craft Instructors with

5 years service in the grade...."

1.3 Because, Hon'ble Tribunal committed an error not considering the facts that the applicant made representation vide dated 25.1.96, 27.1.95, 25.8.94 etc. but the respondents not considered any of the representation at any time and in such situation the courts can direct the Govt/respondents to consider the case/representation of the employees. It is further submitted that the courts can direct the Govt. to constitute a committee to considered the anomaly/demands of the Govt. employees. But in present case without considering this facts the Hon'ble Tribunal rejected the OA of the applicants.

1.4 Because, the applicants cited many case law during the time of arguments and also stated number of case law in para 5 of the OA but the Hon'ble Tribunal not considered any case law cited by the applicants and also not considered any of the grounds taken by the applicants in OA.

1.5 Because, the applicants fullfilled all the conditions/facts observed by the Hon'ble Tribunal

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like, nature of duties, responsibilities, educational qualification, experience, mode of recruitment etc. and therefore the applicants are entitled for the prayed reliefs.

2. All the grounds mentioned in this Review Application were duly considered by the Tribunal while delivering the judgement dated 8.6.2000 in O.A. 1012/97.

3. We may, however, mention that in the OA, the prayer of the applicant was to hold that Craft Instructors in the grade of Rs.1200-2040/- and Rs. 1400- 2600/- in Social Welfare Department constitute a class and were entitled to one grade of Rs.1400-2600/-. There was no prayer for direction to the respondents for upgrading 14 posts of Craft Instructors in the pay scale of Rs.1400-2600/- to the pay scale of 1640-2900. A new prayer cannot be taken in a Review Application.

3.1 We may also mention that the Fifth Pay Commission has accorded standard conversion to those pay scales which were not specifically recommended otherwise. If there is no specific

discussion about the pay scale of Rs.1200-2040/- held by the Craft Instructors (Junior) or by the Junior Instructors, it cannot be presumed that the Fifth Central Pay Commission did not consider their case.

4. In view of the aforesaid discussions, this Review Application is devoid of merit and therefore rejected at the circulation stage.

H.O.Gupta
(H.O.Gupta)
Member (A)

Lakshmi Swaminathan
(Mrs.Lakshmi Swaminathan)
Member (J)

RKM/